

JOHNNIE WOLUEWICH, ESQ.

MEMO ENDORSED

Attorney and Counselor at Law

984 MORRIS PARK AVENUE
BRONX, NEW YORK 10462
TELEPHONE: (212) 335-0696
FAX: (646) 514-4076
EMAIL: JWOLUEWICH@GMAIL.COM

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December 13, 2017

Honorable Valerie Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square - Room 240
New York, New York 10007

RE: NUMBER: 17-CV-08733 (VEC)
DAILY NEWS CHARITIES, INC.
USA BOXING METROPOLITAN ASSOCIATION
REQUEST FOR ADJOURNMENT

Dear Judge Caproni:

My name is Johnnie Woluewich, Esq. As regards the above-referenced action, please be advised that I am assisting Defendant, USA Boxing Metropolitan Association ("USA") with the same. Please be further advised that USA is a charitable organization (i.e. pursuant to 501(c)), wholly staffed by volunteers and I am, in sum and substance, assisting USA on a *pro bono* basis.

As this Honorable Court is aware, Plaintiff has filed Order to Show Cause ("OTSC"), which is presently returnable on December 18, 2017 (11:00am). As this Honorable Court is also aware, the parties have a Pre-Trial Conference ("PTC") scheduled for December 22, 2017 (10:00am). I am respectfully requesting an adjournment of the OTSC and PTC to a date in early January 2018. Alternatively, if this Honorable Court is not inclined to grant such request, I respectfully request that this Honorable Court adjourn the OTSC date (12/18) to the PTC date (12/22). I base my request on the following:

1. As aforementioned, I am assisting USA on a *pro bono* basis. Quite succinctly, USA cannot afford to retain separate counsel.
2. On December 18, 2017, I am previously engaged on Three (3) separate matters. One of those matters (People v. Sean Christianson) is scheduled for grand jury and I do not have any ability to adjourn the same. Another one of those matters (543 Second Ave v. Bluarch) is scheduled for a Court-ordered mediation. That Court has already appointed and scheduled the mediator and has declined the parties' previous requests to adjourn the same.
3. Deni Auclair, who is the USA volunteer referenced throughout Plaintiff's OTSC, is attending a college reunion in Sterling Scotland. It would be nearly impossible for me to secure an Affidavit from her before tomorrow (i.e. the date USA's Opposition is due). Also, several other of USA's volunteers are just returning today from a national competition in Salt Lake City, Utah. Likewise, it would be very difficult for me to secure their Affidavits before tomorrow as well.

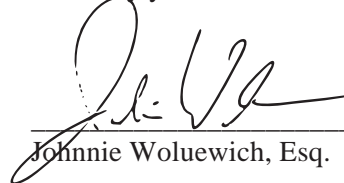
4. Many of the pertinent documents that I would need to file Opposition to Plaintiff's OTSC are in the possession of third parties (eg. USA Boxing National & Golden Gloves of America). I do not believe that I will be able to secure said documents before tomorrow.

Pursuant to this Honorable Court's Individual Practices in Civil Cases, please be advised that the instant request is USA's first request for an adjournment and that I have expressed the instant request to Plaintiff's attorney and Plaintiff has explicitly denied the same.

Given the fact that I am dealing with volunteers, third parties and the holidays, I respectfully submit that it is in the interest of judicial economy to permit me adequate time to obtain the Affidavits, documents and the other evidence needed to have a genuinely substantive conversation/argument on the PTC/OTSC date. As such, I am respectfully proposing January 2nd, January 4th or January 5th for the same.

I thank this Honorable Court for its assistance with my request.

Sincerely yours,



Johnnie Woluewich, Esq.

Defendant's application is GRANTED IN PART AND DENIED IN PART. Plaintiff's motion for provisional injunctive relief is premised on an ongoing irreparable injury, warranting immediate relief. The Court ordered expedited briefing in order to permit Defendant to be heard on the issue in advance of a hearing on Plaintiff's application. Accordingly the Court will not order a lengthy adjournment of the December 18, 2017 hearing without Plaintiff's consent. In order to accommodate Defendant's other commitments, the Court will adjourn the December 18, 2017 hearing to 11:00 a.m. on December 19, 2017. The schedule in this matter is otherwise unchanged.

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

12/13/2017